

DOMESTIC VIOLENCE INFORMATION AND NICS

The following information is a summary from the August 2008 edition of "The CJIS Link."

SPECIFIC INFORMATION NEEDED ON PERSONS CONVICTED OF DOMESTIC VIOLENCE

The National Instant Criminal Background Check System (NICS) Section has been providing Federal Firearms Licensees with background checks on potential gun buyers for 10 years. In October 2007, NICS administrators instituted an operational change in the process for determining whether the element of force is met within a Misdemeanor Crime of Domestic Violence (MCDV). Such a conviction would prohibit an individual from purchasing a firearm.

Currently, anyone convicted in any court of a qualifying MCDV is generally prohibited under federal law from possessing any firearm or ammunition.



Previously, the NICS Section and its state counterparts used police reports to (1) establish the relationship between the victim

and offender in an MCDV conviction and (2) determine the use or attempted use of physical force or threatened use of a deadly weapon (force element.) Now, the NICS Section must obtain the record of conviction to determine if the force element is present in an offense that has multiple subparts (disjunctive statutes), not all of which contain the force element. In order to do this, it is imperative that the subsection of the offense of conviction be specifically identified. If the record is not explicit enough, the NICS Section staff will request copies of the court transcripts or other court documents in order to identify the exact subsection. But, the NICS Section staff has found that often local courts destroy misdemeanor court

records within a few years of the completion of the case, or the records may not be complete (e.g., records seldom indicate the offender's relationship to the victim.)

Because these documents are crucial in determining a prospective gun buyer's eligibility, the NICS Section needs official records of conviction and criminal history records that supply the specific disjunctive information for MCDV convictions. These records must be exact and detail the specifics of the offenses of conviction.

The NICS Section is asking agencies to document the victim/offender relationship in the record when a person has been convicted of a violent crime (even though this information is not required in most criminal history databases.) Agencies are asked to be as specific as possible in describing the relationship.

The NICS Section staff recommends that investigators, prosecutors, court personnel, and victims' advocates work with the agencies responsible for updating that information in the automated criminal history databases within their states to ensure that the necessary information is available.

The efforts of the NICS program staff to keep firearms out of the hands of those prohibited from purchasing them relies on the continued cooperation of law enforcement and criminal justice agencies throughout the United States. Records that are complete and entered in the databases used by the NICS are essential to help ensure that firearms will not be sold to persons convicted of MCDV.



Please see the next page for an "MCDV Records Checklist."

MCDV Records Checklist:

The Facts

Information needed regarding persons arrested for Misdemeanor Crime of Domestic Violence:

- Conviction level
- Facts about Force
- Disjunctive Element
- Relationship

Update the Documents

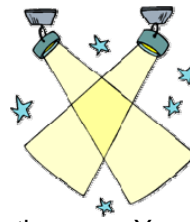
Identify specific statutes that involve force, attempted use of force, or threatened use of deadly weapon in the following documents:

- The charging document
- Plea agreement or plea colloquy
- Final court records of the proceedings (such as judgments of conviction or sentencing orders)

VIN AND VEHICLE INFO – QUICK!

1. Enter VIN number (and just the VIN number) into Google
2. Click “Search”
3. Click link stating: “Look up vehicle with VIN XXXXXXX”
4. Result gives you the VIN, Vehicle Year, Make Model, Body Style, Engine Type, and the place the vehicle was manufactured in.
5. Handy info if you don’t happen to know the body style (sedan, etc.) and how many doors the vehicle has!
6. **Makes for quicker and easier NCIC entries!**

NATIONAL HONORS!



Time to honor a person who hates attention and avoids the spotlight! (Sorry, Gina)

Gina McNeil of BCI was recently named National Missing Children State Clearinghouse Coordinator of the Year at the State Clearinghouse/Non-Profit Organization National Conference in Greenville, South Carolina.

Recognition was given for outstanding contribution and commitment for missing and exploited children during the past year. Gina was recognized for all of the programs implemented and the law enforcement training that has taken place this year. These programs and training included: DNA for missing and unidentified persons, human trafficking issues, AMBER alert involvement, and the call taker standards for missing and sexually exploited children.

We’re glad the country now knows what Utah has known for so long – that Gina is an excellent resource and advocate for missing persons, their families, and law enforcement.

Please don’t forget to contact Gina at 801-965-4686 whenever you have questions regarding missing children or adults. You’ll be getting help from the best in the nation!

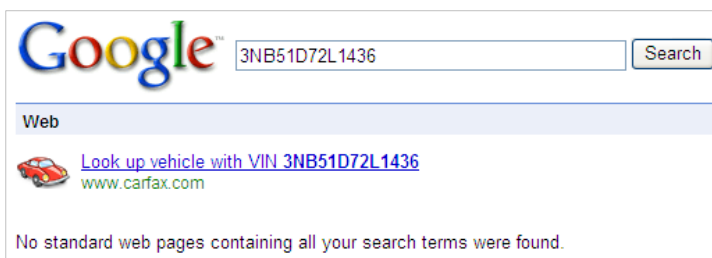
SWW AND THE OTN FIELD

COURTS – are you entering the OTN or Citation Number on to your statewide warrants?

BCI is noticing that more and more courts are ensuring that all possible identifiers are being entered onto the warrants – THANK YOU!

During audits we are now finding that some warrants are missing only the OTN information. While this field is not mandatory, it does help criminal justice agencies track the progress of a criminal incident as it moves from law enforcement to prosecution to adjudication to warrant.

OTN stands for “Offense Tracking Number.” Thus, each criminal incident is given a *unique* OTN to track the incident as it moves through the system. When entering this information into the statewide warrant system, the incident’s citation number can be entered in place of the OTN.



How can this help? A frequent offender in your city is continually racking up citations for retail theft, trespassing, etc. Most of these cases end up turning into warrants, which are added to the SWW system. If the incidents all go to the same court, and if they occur within a short time frame, the OTN or citation number may be the only way to quickly tell which warrant belongs to which offense.

Adding the OTN or citation number to your disposition information can also help ensure that the correct disposition gets attached to the arrest on the UCCH system.

It is also vital that law enforcement agencies are using BCI approved citation and OTN numbers on their citations and 10-print cards.

Please contact Lauralee Blue at 801-965-4943 for more information on OTNs.

TAC WEB SITE LOCATION

Hopefully you have all noticed the new location for the TAC web site. (Which is not just for TACs anymore!)

The site is now located at
<http://dpsemployees.utah.gov/TAC/TACHome.html>

Our public web site also has a new URL at <http://publicsafety.utah.gov/bci/>. Please refer the public to this site if they have questions about expungements, concealed weapon permits, etc.

2009 TAC CONFERENCE

The 2009 TAC Conference has been tentatively scheduled for May 11-13 at the Dixie Center in St. George, Utah.

Don't forget that each ORI needs representation at the conference.

Watch the Message of the Day, the Newsletter, and your e-mails for further information. **And please keep in mind that the date and location are tentative, and subject to change.**



UCR/IBR INFORMATION

What do the following agencies have in common?

They have submitted IBR crime data for the first six months of 2008 (as of October 20, 2008) and their average error rate was 1% or less. Some agencies had 0 errors! The agencies are:

Bountiful PD, BYU PD, Cache-Rich Drug Task Force, Carbon County Sheriff, Centerville PD, Clinton PD, Davis County Sheriff, Draper PD, Duchesne County Sheriff, Farmington PD, Grantsville PD, Helper PD, Ivins DPS, Kaysville PD, Logan PD, Midvale PD, Millard County Sheriff, Murray PD, Naples PD, Ogden PD, Pleasant Grove/Lindon PD, Roosevelt PD, Salt Lake City PD, Salt Lake County Sheriff, Sandy PD, Saratoga Springs PD, South Jordan PD, South Salt Lake PD, Spanish Fork PD, St George PD, Sunset PD, Syracuse PD, Taylorsville PD, Tooele PD, Uintah County Sheriff, USU PD, Utah County Sheriff, Vernal PD, Wasatch County Sheriff, Washington County Sheriff, Weber County Sheriff, West Bountiful PD, West Jordan PD, and the West Valley PD.

Congratulations to the above agencies! We appreciate your efforts to supply law enforcement and the public with high quality data.

For questions about your UCR or IBR data, always feel free to contact Della at 801-965-4454.

CONDOLENCES

BCI wishes to extend our condolences to the family, friends, and co-workers of North Salt Lake PD officer Charlie Skinner, who died after crashing his patrol car during a police pursuit on November 8, 2008.

Officer Skinner worked with the Salt Lake City PD before joining the North Salt Lake PD. He leaves behind a wife and one-month old twins.

We appreciate the daily sacrifices, large and small, made by all Utah law enforcement personnel.



SUBMITTING DUI PAPERWORK

The Driver License Division is requesting that law enforcement officers and their agencies submit their DUI arrest paperwork to the Division within 10 days of the date of arrest.

With the implementation of the new "Working 4 Utah" four-day workweek, it is extremely difficult to set up a hearing within the mandated 29 days if an arrest is submitted after the 10 days.

If there are any questions, please feel free to contact John Fairbanks at (801) 965-3803.

MISSING PERSONS

NATIONAL MISSING & UNIDENTIFIED PERSONS SYSTEM



The National Missing and Unidentified Persons System, NamUs, is the first national online repository for missing person's records and unidentified decedent cases. It was

launched in July 2007 by the Office of Justice Program's [National Institute of Justice](#).

NamUs is made up of two databases: (1) records of unidentified decedents (select "Unidentified Decedents") and (2) missing persons reports (select "Missing Persons").

Currently, the unidentified decedent's database is searchable and available for medical examiners and coroners to upload their cases. The search capability of the missing person's database is in development; the site currently provides resources on State clearinghouses, medical examiners and coroners, law enforcement, victim assistance resources, and legislation.

In 2009, the two databases will be linked. Families, law enforcement agencies, medical examiners and coroners, victim advocates, and the general public will be able to search for matches between missing persons and unidentified decedent records.

About NamUs

Although the problem of missing persons and unidentified human remains in this country has existed for a long time, significant progress has been made in recent years. In 2003, the [President's DNA Initiative](#) was launched. The Office of Justice Program's (OJP) National Institute of Justice (NIJ) began funding major efforts to maximize the use of DNA technology in our criminal justice system. Much of NIJ's work has focused on developing tools to investigate and solve the cases of missing persons and unidentified decedents.

The NamUs databases are just one element of a broader program to improve the Nation's capacity to address these cases. For example, NIJ also funds free testing of unidentified human remains and provides family reference-sample kits, at no charge, to any jurisdiction in the country. Other efforts include training law enforcement officers, medical examiners, judges, and attorneys on forensic DNA evidence. Contact the missing person's clearinghouse for information on the DNA collection kits (801) 965-4686 or gmcMahon@utah.gov.

How Big Is the Problem?

It has been estimated that there are approximately 40,000 unidentified human remains in the offices of the Nation's medical examiners and coroners or were buried or cremated before being identified. In June 2007, OJP's Bureau of Justice Statistics (BJS), confirmed that, in a typical year, medical examiners and coroners handle approximately 4,400 unidentified human decedent cases, 1,000 of which remain unidentified after one year. (See the [Medical Examiners and Coroners' Offices, 2004](#) for the full report.)

BJS further identified the need to improve record-retention policies. As of 2004, more than half (51 percent) of the Nation's medical examiners' offices had no policy for retaining records—such as x-rays, DNA, or fingerprints—on unidentified human decedents. BJS also noted, however, that more than 90 percent of offices servicing large jurisdictions did have such a policy.

To further investigate the extent of the problem—and viable solutions—NIJ assembled an expert panel of medical examiners and coroners. The expert panel found that the primary—and overwhelming—need was for a central reporting system for unidentified human remains.

As NIJ investigated the challenges of missing persons and unidentified decedent cases, another

problem was more fully revealed: the reporting of missing persons cases. Cases of missing persons 18 years old and younger must be reported, but reporting adult missing persons cases is voluntary. Only a handful of States have laws that require law enforcement agencies to prepare missing person reports on adults. Overall, there is a low rate of reporting these cases through NCIC. One of the major goals of NamUs is to meet this challenge. For example, NamUs will work with State clearinghouses and the public to ensure that data is included in NamUs and other national-level databases.

The state clearinghouse will be the point of contact for the missing person's database when it is developed. The public will be able to view and submit missing person's information that is to be verified by the clearinghouse with the law enforcement before any information is posted on the website. Statewide training and information will be available to law enforcement by the clearinghouse in the future. The unidentified decedent reporting system is available to law enforcement and the public. Only law enforcement can access to full reports from medical examiners nationwide. There are currently only 34 states that are contributing to the UDRS database. Law enforcement wanting full report access can contact Gina McNeil, Utah missing person's clearinghouse at (801) 965-4686 or gmcmahon@utah.gov.

(Taken from the National Institute of Justice website <http://www.namus.gov/about.htm> and the 2008 National Missing Children's Clearinghouse conference).

VICAP IN UTAH

The ViCAP database is effective in solving crimes from the present and the past. Law enforcement may enter cases that occurred in 2000, the 1980s or even the 1950s; any case that law enforcement feels ViCAP can assist in may be offered.

ViCAP can to be used to solve crimes from the past. In 1989 Pennsylvania investigators entered a cold case started in 1951 into the ViCAP database. In this case, a man was found guilty of murdering a young girl. Not long after, investigators from Illinois entered an unsolved case from 1957, in which an 8 year old girl was murdered. ViCAP analysts noticed

similarities in the two cases. Due to these similarities and other related evidence, detectives in Illinois were able to solve a crime that occurred almost 40 years prior.

It enhances crime analysis for specific violent crimes, including solved and unsolved homicides, missing persons, unidentified dead persons, sex assaults, etc. Investigative, administrative and behavior-oriented data concerning a specific violent crime is entered into the ViCAP database. Analysts can query both state and federal databases to find information with the combination or sequence of data required by the requesting agency.

Since the Utah database allows for broader submission criteria than the FBI database, the collected information will be securely downloaded to the FBI ViCAP program via special ViCAP network capability of the Law Enforcement Officers (LEO) online programs.

The LEA for VICAP for the state of Utah is Gina McNeil. You can contact her for more information at (801) 965-4686 or gmcmahon@utah.gov

FEATURES:

- FREE OF CHARGE
- Web Enabled
- Point and click data retrieval
- In-house data analysis with automated reports, graphs and charts
- Comprehensive query capability
- Scan images and associate them with a particular case
- Include digital video clips and associate them with a particular case
- Download data into matrix format
- Scan images and associate them with a particular case
- Plans for future growth and enhancement

ADMINISTRATIVE CAPABILITIES:

- Identify and charts homicide trends
- Identify and graphs homicide patterns
- Prepare homicide reports by precinct, district, or regional area
- Complete graphs designed for use by local agencies
- Create agency database for violent crimes

FORWARD NEWS ITEMS TO: B.C.I., FIELD SERVICES, 3888 W 5400 S, BOX 148280, SALT LAKE CITY UT 84114-8280

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